

(e) Annual Federal oversight review

The Administrator shall conduct an annual oversight review of each State plan prepared under subsection (c) of this section, each State report prepared under subsection (d) of this section, and other such materials as are considered necessary and appropriate in carrying out the purposes of this subchapter. After reasonable notice by the Administrator to the State or the recipient of a loan from a water pollution control revolving fund, the State or loan recipient shall make available to the Administrator such records as the Administrator reasonably requires to review and determine compliance with this subchapter.

(f) Applicability of subchapter II provisions

Except to the extent provided in this subchapter, the provisions of subchapter II of this chapter shall not apply to grants under this subchapter.

(June 30, 1948, ch. 758, title VI, § 606, as added Feb. 4, 1987, Pub. L. 100-4, title II, § 212(a), 101 Stat. 25.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1381, 1382 of this title.

§ 1387. Authorization of appropriations

There is authorized to be appropriated to carry out the purposes of this subchapter the following sums:

- (1) \$1,200,000,000 per fiscal year for each of fiscal years 1989 and 1990;
- (2) \$2,400,000,000 for fiscal year 1991;
- (3) \$1,800,000,000 for fiscal year 1992;
- (4) \$1,200,000,000 for fiscal year 1993; and
- (5) \$600,000,000 for fiscal year 1994.

(June 30, 1948, ch. 758, title VI, § 607, as added Feb. 4, 1987, Pub. L. 100-4, title II, § 212(a), 101 Stat. 26.)

CHAPTER 27—OCEAN DUMPING

Sec.		
1401.	Congressional finding, policy, and declaration of purpose.	(c) Concurrence by Administrator.
	(a) Dangers of unregulated dumping.	(d) Waiver of requirements.
	(b) Policy of regulation and prevention or limitation.	(e) Federal projects involving dredged material.
	(c) Regulation of dumping and transportation for dumping purposes.	1414. Permit conditions.
1402.	Definitions.	(a) Designated and included conditions.
	SUBCHAPTER I—REGULATION	(b) Permit processing fees; reporting requirements.
1411.	Prohibited acts.	(c) General permits.
1412.	Dumping permit program.	(d) Review.
	(a) Environmental Protection Agency permits.	(e) Information for review and evaluation of applications.
	(b) Permit categories.	(f) Public information.
	(c) Designation of sites.	(g) Display of issued permits.
	(d) Fish wastes.	(h) Low-level radioactive waste; research purposes.
	(e) Foreign State permits; acceptance.	(i) Radioactive Material Disposal Impact Assessment; Congressional approval.
1412a.	Emergency dumping of industrial waste.	1414a. Special provisions regarding certain dumping sites.
	(a) Issuance of emergency permits.	(a) New York Bight Apex.
	(b) "Industrial waste" defined.	(b) Restriction on use of 106-mile site.
1413.	Dumping permit program for dredged material.	1414b. Ocean dumping of sewage sludge and industrial waste.
	(a) Issuance by Secretary of the Army.	(a) Termination of dumping.
	(b) Independent determination of need for dumping, other methods of disposal, and appropriate locations; alternative sites.	(b) Special dumping fees.
		(c) Compliance agreements and enforcement agreements.
		(d) Penalties.
		(e) Trust account.
		(f) Use of fees and penalties.
		(g) Enforcement.
		(h) State progress reports.
		(i) EPA progress reports.
		(j) Environmental monitoring.
		(k) Definitions.
		1414c. Prohibition on disposal of sewage sludge at landfills on Staten Island.
		(a) In general.
		(b) Exclusion from penalties.
		(c) "Sewage sludge" defined.
		1415. Penalties.
		(a) Assessment of civil penalty by Administrator; remission or mitigation; court action for appropriate relief.
		(b) Criminal penalties.
		(c) Separate offenses.
		(d) Injunctive relief.
		(e) Liability of vessels in rem.
		(f) Revocation and suspension of permits.
		(g) Civil suits by private persons.
		(h) Emergencies.
		(i) Seizure and forfeiture.
		1416. Relationship to other laws.
		(a) Voiding of preexisting licenses.
		(b) Actions under authority of Rivers and Harbors Act.
		(c) Impairment of navigation.
		(d) State programs.
		(e) Existing conservation programs not affected.
		(f) Dumping of dredged material in Long Island Sound from any Federal, etc., project.
		(g) Savings clause.
		1417. Enforcement.
		(a) Utilization of other departments, agencies, and instrumentalities.
		(b) Delegation of review and evaluation authority.
		(c) Surveillance and other enforcement activity.
		1418. Regulations.
		1419. International cooperation.
		1420. Authorization of appropriations.
		1421. Annual report to Congress.

Sec.

SUBCHAPTER II—RESEARCH

- 1441. Monitoring and research program.
- 1442. Research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems.
 - (a) Secretary of Commerce.
 - (b) Action with other nations.
 - (c) Cooperation of other departments, agencies, and independent instrumentalities.
 - (d) Utilization of personnel, services, and facilities; inter-agency agreements.
- 1443. Research program respecting ocean dumping and other methods of waste disposal.
 - (a) Cooperation with public authorities, agencies, and institutions, private agencies and institutions, and individuals.
 - (b) Termination date for ocean dumping of sewage sludge not affected.
 - (c) Regional management plans for waste disposal.
 - (d) Report on sewage disposal in New York metropolitan area.
- 1444. Annual reports.
 - (a) Report by Secretary of Commerce.
 - (b) Report by Administrator.
 - (c) Report by Under Secretary.
- 1445. Authorization of appropriations.

§ 1401. Congressional finding, policy, and declaration of purpose

(a) Dangers of unregulated dumping

Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) Policy of regulation and prevention or limitation

The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(c) Regulation of dumping and transportation for dumping purposes

It is the purpose of this Act to regulate (1) the transportation by any person of material from the United States and, in the case of United States vessels, aircraft, or agencies, the transportation of material from a location outside the United States, when in either case the transportation is for the purpose of dumping the material into ocean waters, and (2) the dumping of material transported by any person from a location outside the United States, if the dumping occurs in the territorial sea or the contiguous zone of the United States.

(Pub. L. 92-532, §2, Oct. 23, 1972, 86 Stat. 1052; Pub. L. 93-254, §1(1), Mar. 22, 1974, 88 Stat. 50.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), means Pub. L. 92-532, which is classified generally to this chapter, chapter 41 (§2801 et seq.) of this title, and chapters 32 (§1431 et seq.) and 32A (§1447 et seq.) of Title 16, Conservation.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-254 struck out statement of the purpose of this Act as being the regulation of

transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control, under accepted principles of international law, in order to protect its territory or territorial sea, now covered by subsec. (c) of this section.

Subsec. (c). Pub. L. 93-254 added subsec. (c).

EFFECTIVE DATE OF 1974 AMENDMENT

Section 2 of Pub. L. 93-254 provided in part that amendment of subssecs. (b) and (c) of this section and sections 1402, 1411, and 1412(a), other than last sentence of subsec. (a), of this title, by Pub. L. 93-254 shall become effective Mar. 22, 1974.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-688, title I, §1001, Nov. 18, 1988, 102 Stat. 4139, provided that: "This title [enacting sections 1414b and 1414c of this title, amending sections 1268, 1412a, and 1414a of this title, and amending provisions set out as a note under section 2267 of this title] may be cited as the 'Ocean Dumping Ban Act of 1988'."

SHORT TITLE

Section 1 of Pub. L. 92-532 provided: "That this Act [enacting this chapter, chapter 41 (§2801 et seq.) of this title, and chapters 32 (§1431 et seq.) and 32A (§1447 et seq.) of Title 16, Conservation] may be cited as the 'Marine Protection, Research, and Sanctuaries Act of 1972'."

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS

For provisions relating to environmental effects abroad of major federal actions, see Ex. Ord. No. 12114, Jan. 4, 1979, 44 F.R. 1957, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS

For provisions relating to the responsibility of the head of each Executive agency for compliance with applicable pollution control standards, see Ex. Ord. No. 12088, Oct. 13, 1978, 43 F.R. 47707, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

ACT REFERRED TO IN OTHER SECTIONS

The Marine Protection, Research, and Sanctuaries Act of 1972 is referred to in sections 1269, 1345, 1503, 2602, 2622 of this title; title 42 sections 6905, 9621, 10104.

§ 1402. Definitions

For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(c) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded